

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

Criminal No.: 3:22CR____(KAD)

VIOLATION:

v.

AXION SPECIALTY CONTRACTING, LLC.

15 U.S.C. § 1

(Conspiracy to Restrain Trade)

INFORMATION

The United States of America, acting through its attorneys, charges:

General Allegations

At all times relevant to this Information:

1. Defendant AXION SPECIALTY CONTRACTING LLC (“AXION”) was a limited liability company organized and existing under the laws of Delaware with offices in Foxborough, Massachusetts and Branford, Connecticut. AXION bid for insulation projects in Connecticut, Massachusetts, New York, Rhode Island and elsewhere.

2. Paul M. Camara Jr. (“Camara”), President and a co-owner of AXION, was responsible for bidding on insulation contracts on behalf of and for the benefit of AXION. Camara has been charged separately and has pleaded guilty to, *inter alia*, conspiracy to restrain trade. As President of AXION, Camara had both the opportunity and authority to bind AXION.

3. BC Flynn Contracting Corp. (“BC Flynn”), a co-conspirator charged elsewhere, was a corporation organized and existing under the laws of New York with offices in Oxford, Connecticut; Congers, New York; Tonawanda, New York; and Clifton Park, New York. BC Flynn provided insulation services in Connecticut, New York, and elsewhere.

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District of Connecticut
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Dinah Milton Kirney, Clerk
By: [Signature] Deputy Clerk

4. Michael S. Flynn (“Flynn”), a co-conspirator charged elsewhere, was an individual who was a 50% owner of BC Flynn and was responsible for bidding on insulation contracts on behalf of BC Flynn.

5. Gary DeVoe (“DeVoe”), a co-conspirator charged elsewhere, was BC Flynn’s Senior Branch Manager for the New England Division and was responsible for bidding on insulation contracts on behalf of BC Flynn.

6. Langan Insulation LLC (“Langan Insulation”), a co-conspirator charged elsewhere, was a limited liability company organized and existing under the laws of Connecticut with an office in North Haven, Connecticut. Langan Insulation provided insulation services in Connecticut.

7. Thomas F. Langan (“Langan”), a co-conspirator charged elsewhere, was an individual who was a co-owner of Langan Insulation and was responsible for bidding on insulation contracts on behalf of Langan Insulation.

8. Whenever in this Information reference is made to any act, deed, or transaction of any corporation, the allegation means that the corporation engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or other representatives while they were actively engaged in the management, direction, control, or transaction of its business or affairs.

9. General contractors (also known as construction managers) are responsible for the day-to-day oversight of a construction site, management of subcontractors, and the communication of information to all involved parties throughout the course of a renovation or new construction project. General contractors on behalf of project owners, such as universities, hospitals, and other public and private entities, generally solicit competitive bids from and enter into contracts with mechanical contractors which provide, among other things, plumbing and / or HVAC (heating,

ventilation, and air conditioning) services on renovation or new construction projects. In turn, mechanical contractors solicit competitive bids from, and enter into subcontracts with, insulation contractors to perform the insulation portion of the work on those plumbing and / or HVAC projects. Alternatively, on some projects, the project owners may solicit bids from and enter into contracts directly with mechanical contractors, which will, in turn, solicit bids from and enter into contracts with insulation contractors.

COUNT ONE (Conspiracy to Restrain Trade)
(15 U.S.C. §1)

10. The allegations in paragraphs 1 through 9 of this Information are realleged and incorporated by reference as though set out in this Count.

Description of the Offense

11. Beginning as early as October 2012 and continuing until as late as March 2018, the exact dates being unknown to the United States, in the District of Connecticut, and elsewhere, defendant AXION, acting through Camara, and its co-conspirators (BC Flynn, Flynn, DeVoe, Langan, Langan Insulation) and others, known and unknown to the United States, knowingly joined and participated in a combination and conspiracy to suppress and eliminate competition by allocating certain customers, rigging certain bids, and fixing prices on certain projects for insulation contracts that was a *per se* unlawful, and thus unreasonable, restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act (Title 15, United States Code, Section 1).

12. The charged combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among AXION, acting through Camara, and its co-conspirators, the substantial terms of which were to allocate customers, rig bids, and fix prices for insulation contracts.

Manner and Means of the Conspiracy

13. For the purpose of forming and carrying out the charged combination and conspiracy, defendant AXION, acting through Camara, and co-conspirators (BC Flynn, Flynn, DeVoe, Langan, Langan Insulation) and others, known and unknown to the United States, did those things that they combined and conspired to do, including, among other things:

- a. Participated in meetings and engaged in communications with co-conspirators to discuss prices and bids for certain insulation contracts;
- b. Participated in meetings and engaged in communications with co-conspirators to allocate contracts, fix prices, and rig bids for certain insulation contracts;
- c. Agreed during meetings and communications to rig bids, allocate contracts, and to fix, increase, maintain, and stabilize prices for certain insulation contracts;
- d. Agreed during meetings and communications which insulation contractor would be the winning bidder and the bid prices that would be submitted by the co-conspirators for certain insulation contracts;
- e. Agreed during meetings and communications to submit one or more inflated bids for certain insulation contracts to create the false appearance of competition for these insulation contracts;
- f. Shared proposals, estimates, and other bid information for certain insulation contracts with and among each other using a messaging application, email, phone calls, text messages, faxes, and other electronic means;
- g. Concealed the charged combination and conspiracy by communicating through a secure messaging application and using cellular phones for which the registration masked the identity of the users, among other means;

- h. Submitted collusive and noncompetitive bids for certain insulation contracts in accordance with the agreement reached;
- i. Provided insulation services pursuant to certain insulation contracts awarded at collusive and noncompetitive prices; and
- j. Accepted payment for insulation services at collusive and noncompetitive prices.

Trade and Commerce

14. During the period covered by this Count, the business activities of AXION and its co-conspirators that are the subject of this Count were within the flow of, and substantially affected, interstate trade and commerce.

All in violation of Title 15, United States Code, Section 1.

UNITED STATES OF AMERICA



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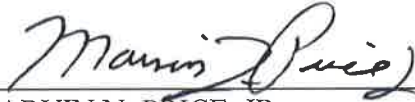
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